
**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DAVITA M. KEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NUMBER:
)	
HONDA MANUFACTURING)	2:19-cv-767-ECM-SMD
ALABAMA, LLC, HYUNDAI)	
ENGINEERING AMERICA, INC., AND)	
DYNAMIC SECURITY, INC.,)	
)	
Defendants.)	

**PLAINTIFF'S OBJECTIONS
TO DEFENDANT HYUNDAI ENG AMERICA, INC.'S
AMENDED EXHIBIT LIST (Doc. 121)**

COMES NOW Plaintiff Davita Key and files the following objections to the *Hyundai Eng America, Inc. 's Trial Exhibit List* (Doc. 87):

Exhibit #	Name of Exhibit	Plaintiff's Objection(s)
HEA 001	Appearance Standards for Security Personnel (HEA 001-0003)	No objection
HEA 002	Hyundai Eng America, Inc. – Appearance Standards for Security Contractors (HEA0163-0166)	No objection
HEA 003	HEA Employee Handbook (HEA0004-0048)	No Objection

HEA 004	Photos of Davita Key's Hair (Key000271-276 and HEA 0193)	No Objection
HEA 005	Davita Key Dynamic Security Paycheck 8/22/2017 (Key00001)	No Objection
HEA 006	Davita Key Resume (Key000034-36)	No Objection
HEA 007	Davita Key Kelly Services Pay Records (Key000114-000127)	No Objection
HEA 008	Davita Key Pike Road School Pay records (Key00128)	No Objection
HEA 009	December 6, 2021, Plaintiff's Response to Defendant HMMA's Interrogatories	<p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony provided.</p> <p>Courts should treat interrogatory answers as they would treat a deposition transcript at trial because both are sworn testimony covering a variety of topics, including information which may not be relevant or admissible, and sending the testimony in its full form back to the jury can add emphasis to some testimony over others and results in inadmissible evidence potentially be considered in deliberations. Instead, the interrogatories can be used to impeach or refresh a witness's memory by showing the witness the relevant interrogatory response and reading it into evidence.</p> <p><i>Farley v. State Farm Mut. Auto. Ins. Co.</i>, No. 8:18-cv-171-T-30SPF, 2019 U.S. Dist. LEXIS 227657, at *5 (M.D. Fla. Nov. 12, 2019)(“ The Court does not admit into evidence the written answers to interrogatories and corresponding exhibits, but the parties may read them into evidence at trial to the extent relevant.”).</p>

HEA 010	January 14, 2022 Plaintiff's Supplemental Response to Defendant HMMA's Interrogatories	<p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony provided.</p> <p>Courts should treat interrogatory answers as they would treat a deposition transcript at trial because both are sworn testimony covering a variety of topics, including information which may not be relevant or admissible, and sending the testimony in its full form back to the jury can add emphasis to some testimony over others and results in inadmissible evidence potentially be considered in deliberations. Instead, the interrogatories can be used to impeach or refresh a witness's memory by showing the witness the relevant interrogatory response and reading it into evidence.</p> <p><i>Farley v. State Farm Mut. Auto. Ins. Co.</i>, No. 8:18-cv-171-T-30SPF, 2019 U.S. Dist. LEXIS 227657, at *5 (M.D. Fla. Nov. 12, 2019)(“ The Court does not admit into evidence the written answers to interrogatories and corresponding exhibits, but the parties may read them into evidence at trial to the extent relevant.”).</p>
HEA 011	January 28, 2022, Plaintiff's Supplemental Response to Defendant HMMA's Interrogatories	<p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony provided.</p> <p>Courts should treat interrogatory answers as they would treat a deposition transcript at trial because both are sworn testimony covering a variety of topics, including</p>

		<p>information which may not be relevant or admissible, and sending the testimony in its full form back to the jury can add emphasis to some testimony over others and results in inadmissible evidence potentially be considered in deliberations. Instead, the interrogatories can be used to impeach or refresh a witness's memory by showing the witness the relevant interrogatory response and reading it into evidence.</p> <p><i>Farley v. State Farm Mut. Auto. Ins. Co.</i>, No. 8:18-cv-171-T-30SPF, 2019 U.S. Dist. LEXIS 227657, at *5 (M.D. Fla. Nov. 12, 2019)(“ The Court does not admit into evidence the written answers to interrogatories and corresponding exhibits, but the parties may read them into evidence at trial to the extent relevant.”).</p>
HEA 012	Plaintiff's Response to Defendant Dynamic Security Inc.'s First Request for Admissions	<p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, does not relate to a dispute fact, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony provided.</p> <p>Courts should treat responses to requests for admission as they would treat a deposition transcript trial. Instead of entering the entire document into evidence, the specific admission can be used to impeach or refresh a witness's memory by showing the witness the relevant response and reading it into evidence.</p> <p><i>Farley v. State Farm Mut. Auto. Ins. Co.</i>, No. 8:18-cv-171-T-30SPF, 2019 U.S. Dist. LEXIS 227657, at *5-6 (M.D. Fla. Nov. 12, 2019)(“ The Court does not admit into evidence written responses to request for admissions and corresponding exhibits, but the parties may read them into evidence at trial to the extent relevant.”).</p>

HEA 013	Plaintiff's Response to Defendant Dynamic Security Inc.'s First Interrogatories	<p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony provided.</p> <p>Courts should treat interrogatory answers as they would treat a deposition transcript at trial because both are sworn testimony covering a variety of topics, including information which may not be relevant or admissible, and sending the testimony in its full form back to the jury can add emphasis to some testimony over others and results in inadmissible evidence potentially be considered in deliberations. Instead, the interrogatories can be used to impeach or refresh a witness's memory by showing the witness the relevant interrogatory response and reading it into evidence.</p> <p><i>Farley v. State Farm Mut. Auto. Ins. Co.</i>, No. 8:18-cv-171-T-30SPF, 2019 U.S. Dist. LEXIS 227657, at *5 (M.D. Fla. Nov. 12, 2019)(“ The Court does not admit into evidence the written answers to interrogatories and corresponding exhibits, but the parties may read them into evidence at trial to the extent relevant.”).</p>
HEA 014	Plaintiff's Discovery Responses to HEA	<p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony provided.</p> <p>Courts should treat discovery responses as they would treat a deposition transcript at trial, and rather than entering the entire document into evidence, permit the</p>

		document to be used to impeach or refresh a witness's memory by showing the witness the relevant response and reading it into evidence. <i>Farley v. State Farm Mut. Auto. Ins. Co.</i> , No. 8:18-cv-171-T-30SPF, 2019 U.S. Dist. LEXIS 227657, at *5-6 (M.D. Fla. Nov. 12, 2019)(sustaining objections to written discovery responses being used as trial exhibits but permitting relevant portions to be read at trial to the extent relevant).
HEA 015	June 20, 2022 Deposition of Davita Key	<p>Plaintiff objects to the use of this deposition transcript at trial unless its use complies with Federal Rule of Civil Procedure 32(a) and this Court's orders.</p> <p>Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony and evidence presented at trial.</p>
HEA 016	Declaration of Gloria Robinson (Doc. 68-5)	Plaintiff objects to this document under Rules 801, 802, and 803 of the Federal Rules of Evidence as containing and constituting inadmissible hearsay. Plaintiff objects to this document under Rules 401, 402, and 403 of the Federal Rules of Evidence. The document contains information that is not relevant, risks confusing the jury, could create unfair prejudice, and would be cumulative of testimony and evidence presented at trial. Further the Plaintiff objects to the presentation of a witness through a declaration or affidavit because it deprives the Plaintiff of the ability to cross examine the witness and/or confront this witness who would be providing testimony that is likely adverse to her.
HEA 017	Key Handwritten Complaint (Dynamic-Key 32)	No objection

RESPECTFULLY SUBMITTED BY
THE ATTORNEYS FOR PLAINTIFF:

/s/ Heather Newsom Leonard

Heather Newsom Leonard

HEATHER LEONARD, P.C.

2105 Devereux Circle, Suite 111

Birmingham, AL 35243

(205) 977-5421- voice

(205) 278-1400 - facsimile

Email:

Heather@HeatherLeonardPC.com

/s/ Leslie A. Palmer

Leslie A. Palmer

PALMER LAW, LLC

104 23rd Street South, Suite 100

Birmingham, AL 35233

Phone: (205) 285-3050

leslie@palmerlegalservices.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all counsel of record via the Court's electronic filing system on February 9, 2023:

David J. Middlebrooks
Whitney R. Brown
Lehr Middlebrooks Vreeland & Thompson, PC
P.O. Box 11945
Birmingham, AL 35202-1945
dmiddlebrooks@lehrmiddlebrooks.com
wbrown@lehrmiddlebrooks.com
Phone (205) 326-3002
Counsel for Hyundai Motor Manufacturing Alabama, LLC

Wesley C. Redmond
Susan W. Bullock
Ford Harrison, LLC
420 20th Street North, Suite 2560
Birmingham, AL 35203
wredmond@fordharrison.com
sbullock@fordharrison.com
Phone: (205) 244-5905
Counsel for Dynamic Security, Inc.

T. Matthew Miller
Cortlin L. Bond
Sarahanne Young Vaughan
Bradley Arant Boult Cummings LLP
1819 Fifth Avenue North
Birmingham, AL 35203
mmiller@bradley.com
cbond@bradley.com
Counsel for Hyundai ENG America, Inc.

/s Heather Newsom Leonard
OF COUNSEL